THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

REV.WPMP NO.33625 OF 2005

AND

WRIT PETITION No.7448 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This application is filed seeking review of the order of this Court in W.P.No.7448 of 2005, dated 27.04.2005.

The petitioners herein are the respondents in the above-mentioned writ petition. The sole respondent herein was one of the candidates, who appeared for selection to the post of Sub-Inspector of Police (Civil) in Zone-V. The further details of the case may not be necessary at this stage. The respondent was unsuccessful in the said recruitment and therefore he approached the A.P. Administrative Tribunal in O.A.No.9896 of 2001, which was rejected by the Tribunal. The respondent, therefore approached this Court by way of the above-mentioned writ petition. By virtue of the order under review, this Court disposed of the writ petition at the admission stage after calling upon the petitioners herein to produce the relevant marks sheet. After perusing the said marks sheet, this Court disposed of the writ petition. The relevant portion of the order reads as follows:

> **"4. In order to verify the factual situation, we have directed the learned Government Pleader to produce the Marks Sheet obtained by the petitioner and other similarly situate persons. Accordingly he produced the same before this Court. It is seen from the said marks sheet the petitioner is figuring at serial No.103 and secured 142.25 marks. It is also admitted that for written test 200 marks were prescribed and for viva**

voce 25 marks were prescribed. But, however, we do not find any break up between these two categories. Under these circumstances we are of the considered view that the matter is required to be considered by the Recruitment Board keeping in view the marks obtained by the petitioner in the written test as well as viva voce. We are also unable to reconcile as to how the petitioner who secured over 70% marks could score only '0' marks in the viva voce. The reasons appears to be obvious that he was alleged to be involved in the criminal case at the instance of the appointing authority. However, the criminal case came to be closed on the ground of mistake of fact. Under those circumstances, the Board is directed to conduct fresh viva voce to the petitioner dispassionately and without reference to the alleged involvement of the petitioner in the criminal case at the relevant time and after taking into consideration his performance, he should be considered and appointed as Sub-Inspector of Police in the quota reserved for police executives. This exercise shall be done within a period of two (02) months from the date of receipt of a copy of this order."

When the matter is taken up today, learned Government Pleader produced the original record maintained by the petitioners, wherein the marks secured by various candidates including the respondent herein both in the written examination and viva voce are tabulated. Learned Government Pleader submitted that as the whole process is pertaining to the year 1996, the record was not readily available at the time of disposal of the writ petition. On the basis of the record, the learned Government Pleader submitted that the Court presumed the fact that the respondent obtained only '0' marks in the viva voce, which is not supported by the record. In fact, we have perused the record. The respondent secured 6.25 marks out of 25 marks allotted to the viva voce and in the written examination he secured 135.50 marks.

In the circumstances, we are of the opinion that the impugned order requires a review on the ground that there is an error apparent on the face of the record and consequentially, the further direction of the Division Bench to conduct fresh viva voce to the respondent herein is not called for and the direction is accordingly recalled.

In the result, the Rev. WPMP is allowed and the writ petition stands dismissed.

JUSTICE J.CHELAMESWAR

JUSTICE RAMESH RANGANATHAN

23RD DECEMBER, 2005

PGS

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23rd DECCEMBER, 2005